<u>REMARKS/ARGUMENTS</u>

This paper is filed in response to the Office Action of January 23, 2009. At that time claims 21-29, 32 and 42-55 were pending in the application.

In the Office Action, claims 44-47 and 49-52 were rejected under 35 U.S.C. 102(b) as being unpatentable over Brimm (United States Patent No. 5,072,383). Claims 21-29, 32, 42-43 and 44-55 were rejected under 35 U.S.C. 103(a) as being unpatentable over Evans (United States Patent No. 5,924, 074) in view of Feldon (United States Patent No. 5,732,221), Lavin (United States Patent No. 5,772,585), Provost (United States Patent No. 6,341,265), and Lancelot (United States Patent No. 6,434,531). Claims 48 and 53-55 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brimm in view of Provost.

By this paper, claims 21, 24-25 and 42-43 have been amended. Claims 22 and 42-55 have been cancelled, thereby rendering moot their respective rejections. Accordingly, claims 21, 23-29, 32 and 42-43 are presented for reconsideration and allowance by the Examiner.

Rejections Under 35 U.S.C. §102(b)

The Examiner has rejected certain of the pending claims over Brimm. However, each of the claims rejected under Brimm have been cancelled thereby rendering moot their rejection.

Rejections Under 35 U.S.C. §103(a)

M.P.E.P. § 2141 sets forth the *Graham* factual enquiries that should be considered when making an obviousness rejection under Section 103: 1) ascertaining the scope and content of the prior art; 2) ascertaining the differences between the claimed invention and the prior art; and 3) resolving the level of ordinary skill in the pertinent art. (Citing *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966).) In addition, M.P.E.P. §§ 2141 and 2142 set forth that "the analysis

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supporting a rejection under 35 U.S.C. 103 should be made explicit." (Citing *KSR International Co. v. Teleflex Inc. (KSR)*, 550 U.S. 398, 82 USPQ2d 1385 (2007).)

The Examiner has rejected claims 21-29, 32, 42-43 and 44-55 over Evans in view of Feldon, Lavin, Provost and Lancelot and rejected claims 48 and 53-55 over Brimm in view of Provost. As previously discussed, claims 22 and 44-55 have been cancelled, thereby rendering moot their respective rejections. For those remaining claims under present consideration, Applicant submits that the presently amended claim set is not made obvious in light of the references cited by the Examiner.

Evans teaches a "medical records system that creates and maintains all patient data electronically." *See* Abstract of Evans. Evans further teaches that "to enter a diagnosis, a physician clicks on the scroll button 331 adjacent to the system box 332 to produce a list of body systems. The physician selects the appropriate system and the diagnosis module 300 enters the selected system in the box 332 and provides a list having specific diagnosis codes for the selected body system in the diagnosis box 334." Col. 11, lines 40-46. However, Evans is completely devoid of any teaching or suggestion for generating, displaying and recording healthcare services information including a pool of healthcare procedures that are limited to reflect only the medical services rendered by an individual healthcare provider. Evans is further devoid of any teaching for using a computer interface to define a new structure for a customized form that emulates a printed data form of which the individual healthcare provider is accustomed to using. Finally, Evans is entirely devoid of any teaching or suggestion for limiting diagnoses and procedures to reflect only those commonly rendered by the individual healthcare provider.

Feldon teaches a "system and methods for generating written reports based on succinct input from a user." *See* Abstract of Feldon. In particular, Feldon teaches that the "data items are

displayed in menu format; pop-up menus and keypads displayed on screen 104 when necessary for selecting and entering the desired information." Col. 4, lines 4-6. However, Feldon fails to teach or suggest those limitations discussed in connection with the Evans reference above. Thus, neither Evan nor Feldon teach or suggest the limitations of the invention as presently claimed.

Lavin teaches a "system and method for managing patient medical information to facilitate data management and improve physician access to and recordal of examination data...compris[ing] a computer aided process including the steps of scheduling appointments, entering and displaying data to a physician, updating the patient data with progress notes concurrently with an examination, displaying allergy warnings and recording a diagnosis based on the progress notes." *See* Abstract of Lavin. In particular, Lavin teaches that the "graphic user interface consist of a main menu screen having a plurality of function buttons for selecting one of a predetermined number of patient medical information screens. The function buttons include appointment, patient information, clinical, report and utilities buttons." Col. 2, lines 42-46. In contrast, the present application relates to a generally integrated graphical display that emulates a printed data form of which the individual healthcare provider is accustomed to using. Lavin fails to teach of suggest the limitations of the invention as presently claimed. Accordingly, a combination of Evans, Feldon and Lavin does not teach or suggest the presently claimed invention.

Provost teaches "[m]ethods and systems for interactively creating and submitting insurance claims and determining whether the submitted claims are in condition for payment by an insurer." *See* Abstract of Provost. However, Provost fails to teach or suggest those limitations discussed in connection with the Evans, Feldon and Lavin references above. Thus,

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neither Evan, Feldon, Lavin nor Provost teach or suggest the limitations of the invention as presently claimed.
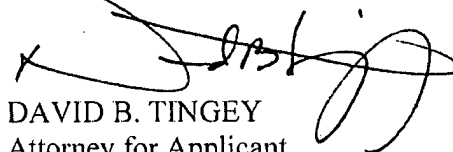
Lancelot teaches a "method and system of facilitating the management of patient care includes storing clinical pathway templates of pre-defined patient care paths, and assigning a template to a given patient undergoing treatment." *See* Abstract of Lancelot. Lancelot further teaches that a "typical pathway 120 contains a large volume of information. It is impractical to display all of the information at any given time." Col. 9, lines 7-9. Finally, Lancelot teaches that "the CPA user interface includes push-buttons, pulldown menus, pop up windows, and other features common to state of the art graphical user interfaces." Col. 9, lines 4-6. In contrast to the teachings of Lancelot, the present application relates to a customized form that concomitantly displays all possible healthcare procedures and healthcare diagnoses on the customized form. Thus, the limitations of the invention as presently claimed are specifically excluded by the teaching of Lancelot. Furthermore, Lancelot is entirely devoid of any teachings or suggestions regarding those limitations discussed in connection with the Evans, Feldon, Lavin and Provost references. Accordingly, the differences between the cited art and the present claims would not have been obvious.

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CONCLUSION

Applicant submits that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicant requests favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

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Respectfully submitted,

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